Federal Communications Commission
Washington, D.C. 20554

DA 07-3993

September 21, 2007

Mr. David M. Drucker
Manager, ATCONTACT Communications, LLC
2539 N. Highway 67
Sedalia, CO 80135

Re: ATCONTACT Communications, LLC
File No. SAT-MOD-20070309-00047
(Call Sign: S2682)

Dear Mr. Drucker:

This letter refers to the above-referenced application filed by ATCONTACT Communications, LLC (ATCONTACT). ATCONTACT seeks to modify its license by relocating one of the geostationary satellite orbit (GSO) satellites in its licensed system from 34º E.L. to 77º W.L. For the reasons set forth below, we return the application as unacceptable for filing without prejudice to refiling.[1]

Section 25.112(a) of the Commission's rules provides that the Commission will return an application as unacceptable for filing if the application is defective with respect to completeness of answers or informational showings, is internally inconsistent, or does not substantially comply with the Commission's rules unless a waiver of the rules is requested.[2] We find ATCONTACT's application defective in three respects, each of which renders it unacceptable for filing.

First, ATCONTACT represents that it complies with the power flux-density (pfd) limits set forth in section 25.138(a)(6) of the Commission's rules, which specifies -118 dBW/m^2/MHz for all angles of arrival.[3] Our review of ATCONTACT's Schedule S information indicates, however, that the pfd limits for certain angles of arrival for beam "KTR" are -117 dBW/m^2/MHz, which exceed the limits allowed by the Commission's rules.[4] Furthermore, ATCONTACT did not request a waiver of section 25.138(a)(6) with the appropriate justification.

Second, section 25.114(d)(3) of the rules requires each applicant to provide "predicted space station antenna gain contours for each transmit and receive beam requested."[5] ATCONTACT's application represents in its Technical Appendix that its GSO satellite will have 45 active receive beams and 45 active transmit beams.[6] ATCONTACT, however, only provided

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[1] If ATCONTACT refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).
[2] 47 C.F.R. § 25.112(a).
[3] 47 C.F.R. § 25.138(a)(6).
[4] ATCONTACT Modification Application, Schedule S at 5 – section 8, column I, J, and K.
[5] 47 C.F.R. § 25.114(d)(3).
[6] ATCONTACT Modification Application, Technical Appendix at 3.

four "representative" contours rather than one for each beam. Moreover, to the extent ATCONTACT did not intend to provide these contours, it did not request a waiver of section 25.114(d)(3) with the appropriate justification.[7]

Third, ATCONTACT indicates in the narrative to the modification application and in the Technical Appendix that the satellite operates in the 28.6-29.1 GHz and 18.8-19.3 GHz frequency bands.[8] ATCONTACT's Schedule S filing, however, provides that the operating frequency bands are 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz, and 29.25-30.0 GHz.[9] In addition, the Schedule S form refers to the 87° W.L. orbital location, not the 77° W.L. orbital location requested in other parts of the application.[10] For these reasons, we find the application internally inconsistent and therefore unacceptable for filing.

Further, although not grounds for dismissal, ATCONTACT should clarify or supplement the orbital debris mitigation plans set forth in its application in any refiling. Specifically, ATCONTACT should clarify its statement that "all remaining fuel stores would either be safed or vented."[11] The Commission's rules governing the assessment and probability of accidental explosions requires a demonstration addressing "whether stored energy will be removed at the spacecraft's end of life, by depleting residual fuel and leaving all fuel line values open, venting a pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures specifically disclosed in the application."[12] ATCONTACT must confirm compliance with this statement, or if relying on "other equivalent procedures," submit a detailed description of those procedures as well as an analysis of the equivalency of those measures to those identified in the rule. We also note that section 25.283(c) of the rules requires all space stations to ensure that all energy sources on board are discharged at the spacecraft's end of life.[13]

In addition, ATCONTACT should respond fully to an earlier information request regarding orbital debris mitigation in any refiling. In addressing a previously filed application, which it dismissed as defective on March 8, 2007, the Division noted incomplete information in the section 25.114(d)(14)(iii) analysis and stated that if ATCONTACT refiles, it should explain the method used to make the assessment of its safe flight profile analysis.[14] ATCONTACT did not include an explanation of the method used to obtain the information in its refiled application. Such an explanation should address the steps taken and sources used to identify operating satellites –both domestic and international – within +/- 0.1 degrees (the station-keeping box) of the requested orbital location. The information should also include satellites scheduled for launch,

[7] The Commission may waive its rules when good cause is demonstrated. 47 C.F.R. § 1.3.
[8] ATCONTACT Communications, LLC, File No. SAT-MOD-20070309-00047 (ATCONTACT Modification Application) at 4, Technical Appendix at 1.
[9] ATCONTACT Modification Application, Schedule S at 1; S2-Operating Frequency Bands; S9- Space Station Channels.
[10] ATCONTACT Modification Application, Schedule S at 5, S8(d). ATCONTACT's safe flight profile analysis also refers to the 87° W.L. orbital location. ATCONTACT Modification Application, Technical Appendix at 26.
[11] ATCONTACT Modification Application, Technical Appendix at 25.
[12] 47 C.F.R. § 25.114(d)(14)(ii).
[13] 47 C.F.R. § 25.283(c).
[14] Letter to David M. Drucker, ATCONTACT Communications, LLC, from Robert G. Nelson, Chief, Satellite Division, DA 07-1094 (March 8, 2007).

and include references to the specific databases used to determine which satellite networks within the station-keeping box require coordination to prevent possible collisions.[15]

Last, we note that the antenna gain contour diagrams were improperly attached to Form 312, Schedule S, under section S8(E), rather than S8(F). ATCONTACT should correct this error if it chooses to refile. We urge ATCONTACT to ensure the accuracy and completeness of its representations to the Commission in any refiling.

Accordingly, pursuant to section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1) and Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, we return ATCONTACT's application as unacceptable for filing.

Sincerely,

Robert G. Nelson
Chief, Satellite Division
International Bureau

cc: James M. Talens
Counsel for ATCONTACT Communications, Inc.

[15] Examples of databases that may be consulted include, but are not limited to, those provided by the Commission (myIBFS), International Telecommunication Union (ITU), NORAD, and other commercially available databases. An explanation of the method used to make an assessment of "whether there are satellites at, or reasonably expected to be located at, the requested orbital location," should also include sources consulted to determine which ITU filings are reasonably expected to be located at or near the requested orbital location.